

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 RITA M. LANE, State Bar No. 171352
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2614
Facsimile: (619) 645-2061

8 Attorneys for Complainant
9

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No.

2009-89

14 **SUSAN JANE REYES**
193 Yorktown Lane
15 Costa Mesa, California 92626

A C C U S A T I O N

16 Registered Nurse License No. 313981
Public Health Nurse Certificate No. 38843

17 Respondent.
18

19
20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 **Registered Nurse License No. 313981**

26 2. On or about March 31, 1980, the Board issued Registered Nurse License
27 Number 313981, to Susan Jane Reyes ("Respondent"). The license will expire on
28 March 31, 2010, unless renewed.

1 **Public Health Nurse Certificate No. 38843**

2 3. On or about September 18, 1985, the Board issued Public Health Nurse
3 Certificate Number 38843 to Respondent. The license will expire on March 31, 2010, unless
4 renewed.

5 **JURISDICTION**

6 4. Business and Professions Code ("Code") section 2750 provides, in
7 pertinent part, that the Board may discipline any licensee, including a licensee holding a
8 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
9 2750) of the Nursing Practice Act.

10 **STATUTORY PROVISIONS**

11 5. Code section 2761 states, in pertinent part:

12 The board may take disciplinary action against a certified or licensed nurse
13 or deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct, which includes, but is not limited to, the following:

15 (1) Incompetence, or gross negligence in carrying out usual certified or
16 licensed nursing functions.

16 6. Code section 2762 states:

17 In addition to other acts constituting unprofessional conduct within the
18 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
19 for a person licensed under this chapter to do any of the following:

20 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
21 unintelligible entries in any hospital, patient, or other record pertaining to the
22 substances described in subdivision (a) of this section.

21 7. California Code of Regulations, title 16, section 1442, states:

22 As used in Section 2761 of the code, 'gross negligence' includes an
23 extreme departure from the standard of care which, under similar circumstances,
24 would have ordinarily been exercised by a competent registered nurse. Such an
25 extreme departure means the repeated failure to provide nursing care as required
26 or failure to provide care or to exercise ordinary precaution in a single situation
27 which the nurse knew, or should have known, could have jeopardized the client's
28 health or life.

26 **COST RECOVERY**

27 8. Code section 125.3 provides, in pertinent part, that the Board may request
28 the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 9. Respondent is subject to discipline under Code section 2761(a), on the
6 grounds of unprofessional conduct, as defined in Code section 2761(a)(1), in that between
7 October 27, 2005, and November 8, 2005, while working as a registered nurse in the
8 Neuroscience Stroke Unit at Hoag Memorial Presbyterian Hospital, located in Newport Beach,
9 California, Respondent was guilty of gross negligence within the meaning of California Code of
10 Regulations, title 16, section 1442. Respondent repeatedly deviated from the standard of care
11 and failed to provide nursing care as required, in that she charted the assessments of patients
12 prior to actually assessing the patients, as set forth below in paragraph 10.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Falsified Entries In Hospital or Patient Records)**

15 10. Respondent is subject to discipline under Code section 2761(a), on the
16 grounds of unprofessional conduct, as defined in Code section 2762(e), in that between
17 October 27, 2005, and November 8, 2005, while working as a registered nurse in the
18 Neuroscience Stroke Unit at Hoag Memorial Presbyterian Hospital, Respondent falsified entries
19 in hospital or patient records in the following respects:

20 **Patient A:**

21 a. On or about November 7, 2005, Respondent falsified patient records, in
22 that she charted the 0000 hour patient assessment at 2318 hours, 42 minutes in advance, without
23 assessing the patient's condition.

24 b. On or about November 8, 2005, Respondent falsified the patient records,
25 in that she charted the 0400 hour patient assessment at 0030 hours, 3 hours and 30 minutes in
26 advance, without assessing the patient's condition.

27 ///

28 ///

1 **Patient B:**

2 c. On or about November 5, 2005, Respondent falsified the patient records,
3 in that she charted the 0000 hour patient assessment at 2213 hours, 2 hours and 13 minutes in
4 advance, without assessing the patient's condition.

5 d. On or about November 6, 2005, Respondent falsified the patient records,
6 in that she charted the 0400 hour patient assessment at 0021 hours, 3 hours and 39 minutes in
7 advance, without assessing the patient's condition.

8 **Patient C:**

9 e. On or about October 27, 2005, Respondent falsified the patient records, in
10 that she charted the 0000 hour patient assessment at 2004 hours, 3 hours and 56 minutes in
11 advance, without assessing the patient's condition.

12 f. On or about October 28, 2005, Respondent falsified the patient records, in
13 that she charted the 0400 hour patient assessment at 0016 hours, 3 hours and 44 minutes in
14 advance, without assessing the patient's condition.

15 **PRAYER**

16 **WHEREFORE**, Complainant requests that a hearing be held on the matters
17 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 313981 issued
19 to Susan Jane Reyes;

20 2. Revoking or suspending Public Health Nurse Certificate Number 38843
21 issued to Susan Jane Reyes;

22 3. Ordering Susan Jane Reyes to pay the Board of Registered Nursing the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
24 125.3; and,

25 ///

26 ///


27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Taking such other and further action as deemed necessary and proper.

DATED: 10/15/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2007802625
80291843.wpd